

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**INSURANCE COMPANY OF NORTH :**

**AMERICA, et. al, :**

**Plaintiff(s), :**

**:**

**Civil No. 05-2054(ADC)**

**v. :**

**:**

**PUERTO RICO PORTS AUTH., et. al, :**

**Defendant(s) :**

**O R D E R**

<b>MOTION(S)</b>	<b>RULING (S)</b>
<p><b>Docket Nos. 53 &amp; 109</b>  Motions to Dismiss on behalf of the Puerto Rico Harbor Pilotage Commission and Real Legacy Insurance Company, Inc.  Filed: 2/3/2006; 7/14/2006</p>	<p>There being no objections, the reports and recommendations (<b>Docket Nos. 192 &amp; 194</b>) issued by Chief-Magistrate Judge Justo Arenas on March 14, 2007 are hereby <b>ADOPTED</b>, in full.<sup>1</sup> Defendant's motions to dismiss are therefore <b>GRANTED</b>. The claims in the complaint as they relate to Puerto Rico Harbor Pilotage Commission and its insurer, Real Legacy Insurance Company, Inc., are hereby <b>DISMISSED</b>, without prejudice. The Clerk of Court will enter Partial Judgment accordingly.</p>
<p><b>Docket No. 36</b>  Motion to Dismiss on behalf of the San Juan Bay Pilots Corporation ("SJBPC")  Filed: 12/27/2005</p>	<p>After reviewing the Report and Recommendation ("R&amp;R") issued by Chief-Magistrate Judge Justo Arenas on March 12, 2007 (<b>Docket No. 190</b>) and objection thereto (<b>Docket No. 197</b>), the R&amp;R is hereby <b>ADOPTED</b>, in full. SJBPC's Motion to Dismiss (<b>Docket No. 36</b>) is hereby <b>DENIED</b>.<sup>2</sup></p>

<sup>1</sup>See *Santiago v. Canon U.S.A., Inc.*, 138 F.3d 1, 4 (1<sup>st</sup> Cir. 1998); *Davet v. Maccorone*, 973 F.2d 22, 30-31 (1<sup>st</sup> Cir. 1992); *Hernández-Mejías v. General Elec.*, 428 F. Supp.2d 4, 6 (D.P.R. 2005)(citing *Lacedra v. Donald W. Wyatt Detention Facility*, 334 F. Supp.2d 114, 125-126 (D.R.I. 2004).

<sup>2</sup>SJBPC submits factual and legal objections to the R&R. (**Docket No. 197**). The Court finds that its factual averments are better left for summary judgment and the cases cited in support of its legal argument are inapposite at this stage in the litigation inasmuch as, the amended complaint alleges acts negligence committed by SJBPC itself, and not only its member pilot(s). (**Docket No. 81**).

**SO ORDERED.**

At San Juan, Puerto Rico, this 30<sup>th</sup> day of March, 2007.

**S/AIDA M. DELGADO-COLON**  
**United States District Judge**